

## **EXHIBIT A**

**EXHIBITS TO ROXANE's 56.1 STATEMENT OF FACTS**

#	EXHIBIT DESCRIPTION	DEP. EXHIBIT
1.	Bentley Deposition Transcript Excerpt, 3/6/08	N/A
2.	Bridges Deposition Transcript Excerpt, 12/10/08	N/A
3.	Bridges Deposition Transcript Excerpt, 12/11/08	N/A
4.	Campana Deposition Transcript Excerpt, 8/21/08	N/A
5.	Carr-Hall Deposition Transcript Excerpt, 12/12/08	N/A
6.	Cheloha Deposition Transcript Excerpt, 12/2/08	N/A
7.	Chessier Deposition Transcript Excerpt, 6/24/08	N/A
8.	Chessier Deposition Transcript Excerpt, 10/28/08	N/A
9.	Ciarelli Deposition Transcript Excerpt, 7/25/07	N/A
10.	Cobo Deposition Transcript Excerpt, 1/18/08	N/A
11.	Cobo Deposition Transcript Excerpt, 3/4/08	N/A
12.	Cobo Deposition Transcript Excerpt, 7/31/08	N/A
13.	Collins Deposition Transcript Excerpt, 10/30/07	N/A
14.	DeCapua Deposition Transcript Excerpt, (BPI) 5/30/07	N/A
15.	DeCapua Deposition Transcript Excerpt, (Roxane) 7/15/08	N/A
16.	Donovan Deposition Transcript Excerpt, 4/29/08	N/A

17.	Dubberly Deposition Transcript Excerpt, 12/15/08	N/A
18.	Duggan Deposition Transcript Excerpt, 3/5/09	N/A
19.	Duggan Deposition Transcript Excerpt, 3/6/09	N/A
20.	Duggan Deposition Transcript Excerpt, 5/18/09	N/A
21.	Duzor Deposition Transcript Excerpt, 3/26/08	N/A
22.	Eiler Deposition Transcript Excerpt, 8/26/08	N/A
23.	Eiler Deposition Transcript Excerpt, 8/27/08	N/A
24.	Eiler Deposition Transcript Excerpt, 9/23/08	N/A
25.	Fine Deposition Transcript Excerpt, 12/9/08	N/A
26.	Gaston Deposition Transcript Excerpt, 1/24/08	N/A
27.	Gaston Deposition Transcript Excerpt, 3/19/08	N/A
28.	Gladden (Texas) Deposition Transcript Excerpt, 1/15/09	N/A
29.	Hautea-Wimpee Deposition Transcript Excerpt, 11/24/08	N/A
30.	Helton Deposition Transcript Excerpt, 3/13/08	N/A
31.	Jeffrey (Massachusetts)Deposition Transcript Excerpt, 6/14/07	N/A
32.	Jones Deposition Transcript Excerpt, 3/19/08	N/A

33.	Jones Deposition Transcript Excerpt, 12/08/08	N/A
34.	Jones Deposition Transcript Excerpt, 12/9/08	N/A
35.	Kenyon Deposition Transcript Excerpt, 3/25/08	N/A
36.	Lockwood Deposition Transcript Excerpt, 03/17/08	N/A
37.	Lockwood Deposition Transcript Excerpt, 7/23/08	N/A
38.	Lockwood Deposition Transcript Excerpt, 6/19/09	N/A
39.	Megathlin (Massachusetts) Deposition Transcript Excerpt, 7/11/07	N/A
40.	Niemann Deposition Transcript Excerpt, 10/11/07	N/A
41.	Paoletti Deposition Transcript Excerpt, 3/8/05	N/A
42.	Paoletti Deposition Transcript Excerpt, 7/26/07	N/A
43.	Parker Deposition Transcript Excerpt, 11/18/08	N/A
44.	Reed Deposition Transcript Excerpt, 10/2/08	N/A
45.	Scott Morton Deposition Transcript Excerpt, 5/13/09	N/A
46.	Scully Deposition Transcript Excerpt, 5/15/07	N/A
47.	Sharp Deposition Transcript Excerpt, 3/28/08	N/A
48.	Smith Deposition Transcript Excerpt, 3/27/08	N/A
49.	Stone, Robin Deposition Transcript Excerpt, 2/28/08	N/A

50.	Stone, Robin Deposition Transcript Excerpt, 2/29/08	N/A
51.	Tawes Deposition Transcript Excerpt, 4/25/07	N/A
52.	Tawes Deposition Transcript Excerpt, 12/13/07	N/A
53.	Tawes Deposition Transcript Excerpt, 12/2/08	N/A
54.	Tomlinson Deposition Transcript Excerpt, 11/4/08	N/A
55.	Vito Deposition Transcript Excerpt, 6/19/07	N/A
56.	Vito Deposition Transcript Excerpt, 2/5/08	N/A
57.	Vito Deposition Transcript Excerpt, 2/6/08	N/A
58.	Vito Deposition Transcript Excerpt, 12/2/08	N/A
59.	Vladeck Deposition Transcript Excerpt, 5/4/07	N/A
60.	Vladeck Deposition Transcript Excerpt, 6/21/07	N/A
61.	Walsh Deposition Transcript Excerpt, 3/26/08	N/A
62.	Waterer Deposition Transcript Excerpt, 10/24/01	N/A
63.	Waterer Deposition Transcript Excerpt, 4/1/03	N/A
64.	Waterer Deposition Transcript Excerpt, 11/28/05	N/A
65.	Waterer Deposition Transcript Excerpt, 5/9-11/07	N/A

66.	Waterer Deposition Transcript Excerpt, 12/12/08	N/A
67.	Wells Deposition Transcript Excerpt, 5/25/05	N/A
68.	Wiberg Deposition Transcript Excerpt, 3/14/08	N/A
69.	Williams Deposition Transcript Excerpt, 5/22/09	N/A
70.	Young Deposition Transcript Excerpt, Excerpt, 12/3/08	N/A
71.	1984 June OIG Report, "Changes to the Medicaid Prescription Drug Program Could Save Millions"	Helms PX 005 (AL)
72.	Testimony of Michael Zimmerman, <i>Issues Related to Possible Coverage of Outpatient Prescription Drugs Under Medicare</i> , Subcommittee on Health, Committee on Ways and Means, House of Representatives, GAO/T-HRD-87-12, June 2, 1987	on FSM list, Not marked as an exhibit
73.	Article, "Drug Industry Overcharging Medicaid Prescriptions Cost Taxpayers Millions of Extra Dollars", <i>Lexington Herald-Leader</i> , July 5, 1987	Lockwood Ery 015
74.	Barbara Demick, <i>When Drugstores Tell You No</i> , Philadelphia Inquirer, Feb. 12, 1989	No
75.	Elizabeth Sanger, "No Rx for Plans; Drug Plans Draw Pharmacists' Ire," <i>Newsday</i> (New York), Feb. 24, 1989	on FSM list, Not marked as an exhibit
76.	"Pharmacists Face Big Losses Under Proposal, Official Says," <i>Arkansas Democrat-Gazette</i> , Mar. 23, 1989	on FSM list, Not marked as an exhibit
77.	Lena H. Sun, "Prescription Drug Plans Face Threat; Pharmacy Chains Dropping Programs," <i>The Washington Post</i> , April 14, 1989	on FSM list, Not marked as an exhibit
78.	Harold Cohen, <i>AWPs Are a Joke, But No One Is Laughing</i> , Drug Store News, May 1, 1989	No
79.	Louis B. Hays, "Skyrocketing Prescription Drug Prices: Are We Getting Our Money's Worth?," A Majority Staff Report of the Special Committee on Aging, United States Senate, July 18, 1989	Abbott 154

80.	"VA Obtains Drug Price Discounts," <i>The Pink Sheet</i> , July 24, 1989	Abbott Hayashi 008
81.	United States Senate Committee on Aging, "Prescription Drug Prices: Are We Getting Our Money's Worth?" August 1989, 101st Congress, Serial No. 101-D	No
82.	September 1989 OIG Report, "Use of Average Wholesale Prices in Reimbursing Pharmacies Participating in Medicaid and the Medicare Prescription Drug Program", A-06-89-00037	Dey 046
83.	Medicare and Medicaid Programs; Limits on Payments for Drugs, 52 Fed. Reg. 28648 (July 31, 1987)	Abbott Ex 284
84.	HCFA Payment for Services § 6305.1B, 1989 Revisions	Marmor Ex 016
85.	January 31, 1989 HCFA Transmittal Notice, Region IV, "Use of Nondiscounted Average Wholesale Price (AWP) as Estimated Acquisition Cost (EAC) in Medicaid Drug Reimbursement	Roxane Ex 121
86.	Harold Cohen, "There's Nothing 'Average' About AWP", <i>Drug Store News</i> , June 11, 1990	No
87.	1993 GAO Report, "Medicaid - Outpatient Drug Costs and Reimbursements for Selected Pharmacies - Illinois and Maryland"	Abbott 458
88.	U.S. Gen. Accounting Office, "Prescription Drugs: Companies Typically Charge More in the United States Than in the United Kingdom," January 1994	No
89.	August 1997 OIG Report, "Eleven-State Report"	Roxane-WY 004
90.	"HCFA Taking Hard Look at Drug Costs," <i>Drug Topics</i> , 11/7/1994	Abbott 036
91.	1996 CBO Report, "How the Medicaid Rebate on Prescription Drugs Affects Pricing in the Pharmaceutical Industry," January 1996	Dey 173A
92.	02/27/1996 Statement of Rep. Stark to House of Representatives	Roxane Ex. 030
93.	5/31/00 Shalala letter to Bliley	Abbott 213
94.	May 1996 OIG Report, "Appropriateness of Medicare Prescription Drug Allowances"	Dey Ex. 008
95.	Bill Alpert, "Hooked on Drugs," <i>Barron's</i> , June 10, 1996	Hartmann 07
96.	Spencer Rich, "Battling the High Prices Medicare Pays for Drugs," <i>The Washington Post</i> , January 2, 1997	Abbott Ex. 239
97.	December 1997 OIG Report, "Excessive Medicare Payments for Prescription Drugs"	Schering 005

98.	12/13/1997 Remarks by the President in Radio Address to the Nation	Abbott Ex. 156
99.	HCFA, "Implementation of the New Payment Limit for Drugs and Biologicals," Program Memorandum, Transmittal No. AB-97-25, January 1998 Medicare Bulletin	Abbott 1014
100.	Excerpted Pages from Abbott Ex. 571, Ven-A-Care Communications, Summary Exhibit	Pages from Abbott 571
101.	Ven-A-Care Texas Presentation	Abbott 559
102.	1998 OIG Report, "Need to Establish Connection Between the Calculation of Medicaid Drug Rebates and Reimbursement for Medicaid Drugs"	Lockwood Ery. 19
103.	Shalala DHHS, :"Report to Congress: The Average Wholesale Price for Drugs Covered under Medicare," 1999	Abbott Ex. 200
104.	09/2/1999 Press Release re Stark Release	No
105.	"High Cost Drugs Under the Outpatient Prospective Payment System," Kathal Technologies, September 8, 1999	No
106.	July 2001 OIG Report, "Cost Containment of Medicaid HIV/AIDS Drug Expenditures"	Abbott 121
107.	5/5/00 Bliley letter to Shalala	Abbott 212
108.	3/22/94 Mirabal Letter to All Region II HCFA Medicare Carriers	Abbott 304
109.	Julie Appleby, "House Committee Asks Drug Firms to Justify Pricing Policy," <i>USA Today</i> , May 10, 2000	No
110.	7/25/96 Debus Letter to Steffen	Abbott 309
111.	CRS Memo, "Regulatory and Legislative History of Medicare Drug Reimbursement Based on Average Wholesale Price," August 2001	No
112.	63 Fed Reg. 58813, 58850 (Nov. 1998)	Abbott 209
113.	BBA Sec. 4316, PL 105-33, 42 U.S.C.	Abbott 130
114.	January 2001 OIG Report, "Medicare Reimbursement of Prescription Drugs"	Abbott 094
115.	Milt Freudenheim, "New Questions on Drug Plans as Costs Soar," <i>New York Times</i> , May 7, 2000	No
116.	9/25/00 Letter from Bliley to DeParle	Abbott 218
117.	Robert Pear, "Administration Plans Cuts in Some Drug Payments," <i>New York Times</i> , August 6, 2000	No

118.	HCFA Program Memorandum, "An Additional Source of Average Wholesale Price Data in Pricing Drugs as Biologicals Covered by the Medicare Program," Transmittal AB-00-86, September 8, 2000	Roxane 113
119.	Starks Press Release, 9/27/2000 alleging "massive abuse of public . . . insurance plans" by the nation's major pharmaceutical companies.	No
120.	7/28/00 Letter to Shalala signed by 91 Members of Congress	Abbott 220
121.	HCFA Program Memorandum "Source of Average Wholesale Price Data in Pricing Drugs and Biologicals Covered by the Medicare Program" November 17, 2000	Abbott 221
122.	Sept. 2001 OIG Report, <i>Medicaid's Use of Revised Average Wholesale Prices</i>	Abbott 95
123.	9/8/00 Letter from Min DeParle to Members of Congress	Abbott 215
124.	Medicaid Drug Reimbursement Report - 1990	Abbott 326
125.	HHD087-3742 (KY SPA)	No
126.	January 2008 OIG Report, "Review of the Relationship Between Medicare Part D Payments to Local, Community Pharmacies and the Pharmacies' Drug Acquisition Costs," A-06-07-00107	No
127.	February 1996 OIG Report, "Payments for Prescription Drugs Used with Nebulizers"	Abbott 033
128.	Conversion from NDC Amounts to HCPCS Amounts	Roxane 17
129.	November 1998 OIG Report, <i>Comparing Drug Reimbursement: Medicare and Department of Veterans Affairs</i>	Roxane Ex. 159
130.	09/01/1999 Stark Press Release "Drug Utilization Soars as Profits Soar"	No
131.	September 2001 GAO Report, "Payments for Covered Outpatient Drugs Exceed Providers' Cost"	Abbott Ex. 186
132.	March 2002 OIG Report, "Excessive Medicare Reimbursement for Ipratropium Bromide"	Roxane 1
133.	IB Chart	Roxane 90
134.	2000 Econolink Short-form printout	Roxane 226
135.	12/12/00 Econolink short-form printout	Roxane 231
136.	2/24/09 Email from Alison Smith to Eric Gortner re McKesson Econolink Databases	Roxane 223
137.	First Amended Complaint, Ex. A	No

138.	42 U.S.C. § 1396r-8	No
139.	United States Objections and Supplemental Response to Interrogatory No. 7, 11/21/08	No
140.	Office of Inspector General, Dept. of Health and Human Services Publ'n No. OEI-03-02-00670, "Omission of Drugs from the Federal Upper Limit List in 2001, February 2004	Abbott 108
141.	Office of Inspector General, Dept. of Health and Human Services Publ'n No.OEI-03-03-00520, "Update: Excessive Medicare Reimbursement for Ipratropium Bromide," January 2004	Abbott 122
142.	Medicaid Drug Rebate Operational Training Guide, September 2001	Scott 028
143.	1991 Rebate Agreement entered into by Roxane Labs., dated 2/27/91 "Roxane Rebate Agreement"	No
144.	H.R. No. 101-881, reprinted in 1990 U.S.C.C.A.N. 2017, 2060 (1990)	No
145.	DeCapua 5/30/07 Deposition Exhibit 82, "Boehringer Ingelheim Medicaid Reporting Requirements"	DeCapua 082
146.	OIG Report, "Comparison of Medicaid Federal Upper Limit Amounts to Average Manufacturer Prices," OEI 03-05-00110, June 2005	Dey 009
147.	"Medicaid Drug Price Comparisons: Average Manufacturer Price to Published Prices," OEI-05-05-00240, June 2005	Littlejohn 233 or Anderson 040
148.	"Monitoring Medicare Part B Drug Prices: A Comparison of Average Sales Prices to Average Manufacturing Prices, OEI-03-04-00430, April 2006	No
149.	State Medicaid Directors' Association Pharmacy Reform TAG Minutes	Gladden (TX) 038
150.	KS 00000042	No
151.	RLI-AWP 00212508-09 (9/19/2000 Letter from J. Powers to S. Norvell)	No
152.	Declaration of C. King	No
153.	Carr-Hall Deposition Exhibit 40 (Dey marketing flier)	Carr-Hall 040
154.	2001 Annual RedBook	No
155.	RLI-AWP-00122465-470 (NovaPlus Ipratropium Agreement Launch Package)	No
156.	<a href="http://www.novationco.com/suppliers/novaplus.asp">http://www.novationco.com/suppliers/novaplus.asp</a> ;	No
157.	<a href="http://www.novationco.com/programs/enhanced_savings.asp">http://www.novationco.com/programs/enhanced_savings.asp</a>	No

158.	RLI-AWP-00122479-82 (Novation, LLC Agreement Announcement)	No
159.	RLI-AWP-00008196 (April'99 New from Roxane)	No
160.	RLI-AWP 00224752 (4/6/99 S. Norvell Memo to Novation Authorized Distributors)	No
161.	RLI-AWP 00122471-85 (4/14/99 S. Norvell Revised Memo to Novation Authorized Distributors)	No
162.	The Multi-Source Gold Sheet, 3/22/04 (BOEH1522558)	No
163.	The Multi-Source Gold Sheet, 4/8/04 (BOEH02953413)	No
164.	The Multi-Source Gold Sheet, 5/3/04 (BOEH02953409)	No
165.	BOEH 04310697 (7/11/03 Letter From L. Paoletti to R. Day)	No
166.	Duggan Expert Report	Duggan 001
167.	Roxane Deposition Exhibit 41 (Drug Pricing Procedure)	Roxane 041
168.	Roxane Deposition Exhibit 42 (12/1/99 Letter from R. Stone to C. Carpenter - Drug Pricing Procedure)	Roxane 042
169.	Roxane Deposition Exhibit 100 (Drug Pricing Procedure)	Roxane 100
170.	Abbott Exhibit 524 (Medicare Professional Reimbursement Desk Procedure)	Abbott 524
171.	Abbott Exhibit 1015 (December 1998 HCFA Program Memorandum, Transmittal No. AB-98-76, HHC021-0030)	Abbott 1015
172.	Roxane Deposition Exhibit 51 (Uniform Drug Pricing Project)	Roxane 051
173.	Roxane Deposition Exhibit 52 (5/15/01 Email from R. Stone to C. King, C. Eiler, C. Helton, B. Douglas, V. Brantley)	Roxane 052
174.	Roxane Exhibit 102 (7/6/00 Email from C. King to C. Eiler)	Roxane 102
175.	Abbott Exhibit 529 (HCFA Program Transmittal Memorandum, Transmittal No. AB-98-76), December 1998	Abbott 529
176.	Eiler Deposition Exhibit 6 (Medicare Supplier Bulletin Region B DMERC)	Eiler 006
177.	Dey Exhibit 126 (CIGNA DMERC: Nebulizer Medications)	Dey 126
178.	Annual 2000 Redbook; April 2000 Redbook Update	No
179.	AWP039-3207 (July 2000 Red Book for Windows Printout)	No

180.	2002 Annual Redbook; AWP038-0705 (April 2002 Red Book for Windows Printout)	N/A
181.	AWP039-1462	N/A
182.	Affidavit of F. Scott Morton	No
183.	Ex. A. to Decl. of C. King at AWQ071-0043, AWQ071-0047, AWQ071-0053, AWQ071-0059, AWQ071-0064, AWQ071-0066, AWQ071-0070, AWQ071-0073, AWQ071-0077 (DMERC Arrays)	No
184.	Eiler U.S. Exhibit 11 (Adminastar Arrays)	Eiler 011
185.	Roxane Deposition Exhibit 118 (at AWP033-434-AWP033-435, AWP033-372-AWP033-373) (Adminastar Arrays)	Roxane 118
186.	Roxane Deposition Exhibit 46 (Palmetto Arrays)	Roxane 046
187.	Roxane Deposition Exhibit 58 (CIGNA Arrays)	Roxane 058
188.	D. Williams Affidavit	No
189.	AWP039-2444 (April 2000 RedBook CD Printout)	No
190.	Elan Asset Purchase Agreement (BOEH01046045)	No
191.	10/01/2008 United State's Objections and Responses to the Roxane Defendant's First Set of Interrogatories	No
192.	03/13/09 Expert Report of D. Williams	Williams 01
193.	HHD041-0076-0077	No
194.	HHD041-0072-0075	No
195.	HHC016-0342-0343	No
196.	HHD041-0061	No
197.	HHD041-0065	No
198.	Abbott Ex. 1122-	No
199.	OEI, Variation in State Medicaid Drug Prices, September 2004	No
200.	HHD086-0010	No
201.	HHD086-0011-0012	No

202.	ALMED 808004-05	No
203.	Joint Legislative Audit and Review Commission of the VA General Assembly: A Review of Selected Programs in the Department of Medical Assistance Services (January 2002)	Exhibit Roxane VA 010 (Tomlinson Roxane Ex. 10)
204.	<i>Generic Drug Cost Containment in Medicaid: Lessons from Five State Maximum Allowable Cost (MAC) Programs</i>	No
205.	Medicaid Prescription Reimbursement Information By State - Quarter Ending March 2009	No
206.	AWP-IL-00025984	No
207.	AWP-IL-00001108-09	No
208.	DHCF Current Policy, Brand Medically Necessary and Medicaid Maximum Allowable Cost at 2	No
209.	Texas Health and Human Services Commission, Vendor Drug Program, Pharmacy provider Handbook, March 1, 2006	No
210.	OIG Oct. 2003, "State Strategies to Contain Medicaid Drug Costs," at 13 (OEI-05-02-00680).)	No
211.	Georgia Department of Medical Assistance, Part II, Policies and Procedures for Pharmacy Services, 1/1/96	Dubberly Ex 007
212.	Georgia Department of Medical Assistance, Part II, Policies and Procedures for Pharmacy Services, 1/1/97	Dubberly Ex 008
213.	Georgia Department of Medical Assistance, Part II, Policies and Procedures for Pharmacy Services, 4/1/98	Dubberly Ex 009
214.	Georgia Department of Medical Assistance, Part II, Policies and Procedures for Pharmacy Services, 1/1/99	Dubberly Ex 010
215.	Georgia Department of Medical Assistance, Part II, Policies and Procedures for Pharmacy Services, 1/1/00	Dubberly Ex 011
216.	Georgia Department of Medical Assistance, Part II, Policies and Procedures for Pharmacy Services, 1/1/01	Dubberly Ex 012
217.	HHC008-0012	No
218.	Levinson Response to Coburn	No
219.	Duggan Rebuttal Report	Duggan Ex 007